



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,842	08/29/2003	David Duncan	7535.00006	8174

29747 7590 11/22/2005

GREENBERG TRAUIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89109

EXAMINER

CHANG, SUNRAY

ART UNIT PAPER NUMBER

2121

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,842

Applicant(s)

DUNCAN ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in responsive to the paper filed on October 31st, 2005.

Claims 1 – 7 and 9 – 16 are presented for examination.

Claims 1 – 7 and 9 – 16 are rejected.

Claims 13 – 16 are newly presented.

Claim 8 has been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 – 12 are rejected** under 35 U.S.C. 102(e) as being anticipated by James D. Causey, III et al. (U.S. Patent No. 6,641,533, and referred to as **Causey** hereinafter).

Regarding independent claim 1, Causey teaches,

- An apparatus for use in a facilities management system, [Col. 1, Lines 22 – 27] comprising:
- a port for connecting [medical device interface] to a field device [medical device]; [Abstract]

Art Unit: 2121

- a display; [Fig. 2 & 3; Col. 18, Lines 19 – 37] and
- a user interface to be displayed on the display [Palm computing software; various icons representative of different programs available on the PDA, Fig. 2 & 3; Col. 18, Lines 19 – 37], the user interface to be used for at least one of programming the apparatus, testing the apparatus, managing the apparatus [medical device]. [programming, accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and see also a writing area for entering data using the stylus, Col. 18, Lines 19 – 37]

Regarding dependent claim 2,

The apparatus of claim 1, wherein:

- the apparatus includes a housing; [Abstract, Lines 5 – 7] wherein
- the housing houses a plurality of personality modules medical [multiple medical device modules]; [Abstract, and Col. 18, Lines 53 – 55] wherein
- the housing houses the display. [Fig. 2, Lines 25 – 55]

Regarding dependent claim 3,

The apparatus of claim 1, further comprising:

- a port for connecting to a server. [Fig. 1 and “server” in Col. 18, Lines 14 – 18]

Regarding dependent claims 4 and 16,

The apparatus of claim 1, wherein

- the display is an LCD touchscreen. [Fig. 2, Col. 18, Line 25]

Regarding dependent claims 5 and 7,

The apparatus of claim 1, wherein:

- the user interface is further operable to programming, testing, or managing another apparatus [medical devices, Col. 1, Lines 22 – 27] in the facilities management system. [programming, accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and see also a writing area for entering data using the stylus, Col. 18, Lines 19 – 37]

Regarding independent claim 6,

- An apparatus for use in a facilities management system [Col. 1, Lines 22 – 27] having a server [Fig. 1 and “network computer server” in Col. 18, Lines 14 – 18], comprising:
 - a housing; [Abstract, Lines 5 – 7]
 - a port for connecting the apparatus to the server; [Fig. 1, Col. 17, Line 59 – Col. 18, Line 18]
 - a plurality of personality modules housed within the housing; [multiple medical device modules, Abstract and Col. 18, Lines 53 – 55] wherein
 - at least one of the personality modules [medical device modules] has a port for connecting to a field device [sensor]; [Fig. 5, Col. 19, Lines 48 – 64]
 - a display housed within the housing; [Fig. 2, Lines 25 – 55]
 - a memory storing a user interface [Palm computing software] to be displayed on the display [Fig. 2], the user interface to be used for at least one of programming the apparatus, testing the apparatus, and managing the apparatus. [programming, accessing, Col. 1, Lines 22 – 27,

Art Unit: 2121

Col. 12, Lines 31 – 41, and see also a writing area for entering data using the stylus, Col. 18, Lines 19 – 37]

Regarding independent claim 9,

- A method of configuring a facilities management system, comprising:
- installing a personality module [medical device modules] and connecting the personality module to a field device [sensor set]; [Fig. 5 and 4 & 6, Col. 19, Lines 48 – 64]
- installing a display in close proximity to the personality module [Fig. 2, Col. 18, Lines 38 – 55];
- configuring the personality module [one module can be modified or replaced, Col. 24, Lines 46 – 50] using the display [single key programming, Col. 12, Line 37]; and
- displaying a user interface on the display [Palm computing software; various icons representative of different programs available on the PDA, Fig. 2 & 3; Col. 18, Lines 19 – 37], the user interface to be used for at least one of programming, testing, or managing the personality module. [programming, accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and see also a writing area for entering data using the stylus, Col. 18, Lines 19 – 37]

Regarding dependent claim 10,

The method of claim 9, further comprising:

- configuring a remote [remote programming, Col. 23, Lines 41] personality module [one module can be modified or replaced, Col. 24, Lines 46 – 50] using the display [single key programming, Col. 12, Line 37].

Regarding dependent claim 11,

The method of claim 9, further comprising:

- controlling the field device using the display. [regular program activating features, Col. 18, Lines 31 – 32]

Regarding dependent claim 12,

The method of claim 9, further comprising

- viewing diagnostic information for the personality module using the display. [L.E.D. optional indicator, Col. 23, Lines 12 – 23]

Regarding dependent claims 13 and 14,

The method of claim 1 or 6, wherein

- the user interface is further operable to accessing a field device. [accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and also Col. 18, Lines 19 – 37]

Regarding dependent claim 15,

The method of claim 9, wherein

- displaying a user interface on the display [Palm computing software; various icons representative of different programs available on the PDA, Fig. 2 & 3; Col. 18, Lines 19 – 37], the user interface is further operable to accessing a field device. [accessing, Col. 1, Lines 22 – 27, Col. 12, Lines 31 – 41, and also Col. 18, Lines 19 – 37]

Response to Amendment

Claim Objections

3. Applicants have cancelled the objected claim 8, the examiner has withdrawn the claim objection.

Claim Rejections - 35 USC § 102

4. Applicants' argument regarding "a user interface" is disagreed with. **Causey** discloses a PDA for use with medical devices and ... a medical device to facilitate testing, and monitoring of a patient's condition ... data management and programming through the PDA. [Col. 1, Lines 20 – 27]; further, **Causey** further discloses that "the PDA includes a display mounted on the PDA is a touch screen LCD that allows the display of various icons representative of different programs available on the PDA. The icons on the display may be activated by finger pressure or the touch of a stylus ... and a writing area for entering data using the stylus". [Col. 18, Lines 19 – 37] **Causey** also teaches "the PDA provides a standard user interface, including standard PDA features and programmability". [Col. 18, Lines 42 – 44]

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2121

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office



Anthony Knight
Supervisory Patent Examiner
Group 3600

November 15, 2005